

Please note the lead program searches/reviews for the RA or RA-D for potentially responsive records. Also, if a determination is made that the FOIA request needs to be assigned to a different Division, Region and/or Headquarters, please inform the FOIA Office.

**FREEDOM OF INFORMATION ACT REQUEST
EPA-R6-2019-004574**

REQUEST DATE: March 27, 2019

PERFECTED/CLOCK START: April 08, 2019

REQUESTOR INFORMATION:

Adrian O. Vega
Will Ferguson and Associates
1720 Louisiana Blvd.
Albuquerque, New Mexico 87110

Email: adrian@fergusonlaw.com
Work: 505-243-5566

Fax: 505-243-5699

FEE CATEGORY: Commercial

*******SUBJECT*******

We seek the following with regard to the Sterigenics facility located at 2400 Airport Road, Santa Teresa, New Mexico 88008:

Air quality testing;

Soil testing;

Use of ethylene oxide including licensure and/or permits for its use;

Ethylene oxide and the link between its use and cancer;

OSHA records and hazard recognition materials for the use of ethylene oxide;

Communications between Sterigenics and the EPA or any other agency regarding the use of ethylene oxide.

Date Range: January 1, 2005 to January 1, 2019.

At this time, we do not need the CBI to be substantiated.

*******ASSIGNED OFFICE(s)*******

6MM

DUE DATE: May 06, 2019

*******SPECIAL INSTRUCTIONS TO DIVISIONS*******

- 1. Always note Fee commitment by requester: \$ 100.00**
- 2. Call the requester with a fee estimate, if cost is expected to exceed amount committed \$ 100.00**
- 3. Each Division must obtain Division Director or delegate concurrence on denial log before routing to ARA signature.**
- 4. Send a copy of the response and cost information sheet to the FOIA Office (6MD-OE).**

*******DO NOT WRITE IN THIS SPACE, FOR FOIA OFFICE USE ONLY*******

BILLABLE COST

\$4.00	\$7.00	\$10.25	Pages	Other	TOTAL
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6MM

EPA-R6-2019-004574

We seek the following with regard to the Sterigenics facility located at 2400 Airport Road, Santa Teresa, New Mexico 88008:

Air quality testing;

Soil testing;

Use of ethylene oxide including licensure and/or permits for its use;

Ethylene oxide and the link between its use and cancer;

OSHA records and hazard recognition materials for the use of ethylene oxide;

Communications between Sterigenics and the EPA or any other agency regarding the use of ethylene oxide.

Date Range: January 1, 2005 to January 1, 2019.

At this time, we do not need the CBI to be substantiated.

From: Vega, Adrian
To: R6 FOIA
Cc: Barbara Cok
Subject: FOIA request EPA-R6-2019-004574
Date: Friday, April 05, 2019 4:40:08 PM

Good afternoon. Please accept his clarification of the above referenced FOIA request.

We seek the following with regard to the Sterigenics facility located at 2400 Airport Road, Santa Teresa, New Mexico 88008:

- Air quality testing;
- Soil testing;
- Use of ethylene oxide including licensure and/or permits for its use;
- Ethylene oxide and the link between its use and cancer;
- OSHA records and hazard recognition materials for the use of ethylene oxide;
- Communications between Sterigenics and the EPA or any other agency regarding the use of ethylene oxide.

Date Range: January 1, 2005 to January 1, 2019.

At this time, we do not need the CBI to be substantiated.

Thank you.

Adrian

Adrian O. Vega

Will Ferguson & Associates
1720 Louisiana Blvd NE, Suite 100
Albuquerque, New Mexico 87110
P: (505) 243-5566
F: (505) 243-5699

STAFF CHECKLIST FOR TRANSMITTAL OF RECORDS/INFORMATION

EPA-R6-2019-004574

	YES	NO	N/A
Program has responsive records	<u>X</u>	<u> </u>	<u> </u>
Searched all possible locations (hard copy/e-mail, Files in workstation, file rooms, hard/flash/shared drives, CDs, blackberries etc.)	<u>X</u>	<u> </u>	<u> </u>
Advised RFO/DFC of any special circumstances/ Sensitivity related to the FOIA Request	<u> </u>	<u> </u>	<u>X</u>
Consulted with the FOIA Requester and/or RFO/DFC For further clarification of the request	<u> </u>	<u> </u>	<u>X</u>
Completed "Certification of Adequate Search" form for "No Records" Response	<u> </u>	<u> </u>	<u>X</u>
Completed Cost Sheet	<u>X</u>	<u> </u>	<u> </u>
Provided responsive records to the assigned FOIA Specialist by due date on transmittal form	<u>X</u>	<u> </u>	<u> </u>
Date: <u>4/18/2019</u> Signature: <u>ERICA LE DOUX</u>	<small>Digitally signed by ERICA LE DOUX DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=ERICA LE DOUX, 3.9.2342.1.9200303.100.1.1=00001003656795 Date: 2019.04.18 11:42:38 -0500</small>		
Printed Name: <u>Erica Le Doux</u>	Ext. <u>7265</u>	Office Name: <u>Air Permits</u>	

COMMENTS: _____

THIS FORM SHOULD BE COMPLETED AND RETURNED TO THE REGIONAL FOI OFFICER ALONG WITH THE RESPONSIVE RECORDS, A COST SHEET AND "NO RECORDS" CERTIFICATION FORM (IF NECESSARY), FOR EACH FOIA REQUEST PROCESSED.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

CERTIFICATION OF ADEQUACY OF SEARCH ON
“NO RECORD” RESPONSES

I, Erica Le Doux, certify that I am employed by the Environmental Protection Agency, Region 6, in Dallas, Texas (or acting as a representative) as _____, that I am familiar with the records requested and/or that I am responsible for conducting the search for responsive records for Request Identification Number EPA-R6- 2019-004574, and that I have conducted an “adequate” search for responsive records by searching the below listed location(s) (as applicable):

- 1.
- 2.
- 3.

I further certify that I am aware that a search for responsive records need not be perfect, only adequate and that adequacy is measured and/or determined by the “reasonableness” of the effort of the search in light of the specific request. Specifically, I have searched for the documents in all places that it is practical for the documents to be located. Moreover, after conducting an adequate search for records on behalf of the _____ Office of Air and Radiation- Air Permits Section _____ Division/Unit, I have located no records responsive to this request or portions thereof. Further, I am attaching an itemized listing of all records which my search supports are not in the Region’s possession.

Dated: 04/18/2019 X

ERICA LE DOUX
Digitally signed by ERICA LE DOUX
DN: c=US, o=U.S. Government, ou=Environmental Protection
Agency, cn=ERICA LE DOUX,
0.9.2342.19200300.100.1.1=6800100365795
Date: 2019.04.18 11:51:19 -0500

Signature of Person Conducting Search

Dated: _____ X

Signature of Designated Supervisor for
Person Conducting Search

Approved by OGC

INTERNAL USE ONLY – DO NOT SEND THIS TO REQUESTER

Please read instructions on back before completing form.

FOIA FEE CALCULATION WORK SHEET

1.REQUEST NUMBER EPA-R6- EPA-R6-2019-004574	2.TYPE OF REQUESTER	3.DATE COMPLETED 04/18/2019	4.ACTION OFFICE
<p>NOTE: The Freedom of Information Act and EPA's regulations state that the Federal Government must obtain a fee commitment from a FOIA requester before billing can occur. So if no fee commitment is plainly given in the request letter or if other Divisions also have records, please contact the requester. Provide the requester with an estimate. Make sure the requester understands what program records you refer to and make a note of his/her fee commitment.</p>			
5. FEE COMMITMENT AMT		6. DATE OF VERBAL/WRITTEN COMMITMENT	7. FEE COMMITMENT RECEIVED FROM
8. CLERICAL PERSONNEL		TOTAL HRS	1/4 HOUR RATE
a. Search - \$4.00 @ 1/4 HOUR			x \$4.00 =
b. Review - \$4.00 @ 1/4 HOUR			x \$4.00 =
9. PROFESSIONAL PERSONNEL		TOTAL HRS	1/4 HOUR RATE
a. Search - \$7.00 @ 1/4 HOUR		2	x \$7.00 = 14
b. Review - \$7.00 @ 1/4 HOUR		2	x \$7.00 = 14
10. MANAGERIAL PERSONNEL		TOTAL HRS	1/4 HOUR RATE
a. Search - \$10.25 @ 1/4 HOUR			x \$10.25 =
b. Review - \$10.25 @ 1/4 HOUR			x \$10.25 =
11. DUPLICATION/REPRODUCTION		TOTAL	RATE OR ACTUAL
a. Paper or Computer Page (2 sided copy = 2 copies)			x \$.15 pg =
b. Diskette or CD (Specify 3 CD's, 1 CD etc.)			x \$ 1.00 each =
c. Microfiche			x \$ 1.00/sheet =
d. Microfilm			x \$10.00/cartridge =
e. Video or Audio Cassette (Specify)			x \$5.00/each =
f. Maps			
g. Photos			
12. OTHER COSTS		TOTAL	RATE OR ACTUAL
a. Computer Cost			x =
b. Certifications			x \$25.00 =
c. Special Handling – Overnight Mail			x =
d. Other			x =
13. ACTUAL ADMIN. COST FOR NON-BILLABLE STAFF TIME		TOTAL	1/4 HOUR RATE
a. Preparer's Name: _____ Grade/Step: _____			x =
b. Preparer's Name: _____ Grade/Step: _____			
14. FOR FOIA OFFICE USE ONLY			
a. TOTAL ADMINISTRATIVE/PROCESSING FEES _____		c. TOTAL CHARGED _____	
b. TOTAL COLLECTABLE FEES x _____		d. FEES WAIVED/REDUCED YES OR NO	

INSTRUCTIONS FOR COMPLETING THE FOIA FEE CALCULATION WORK SHEET

Pursuant to the Electronic Freedom of Information Act Amendment of 1996, the Annual Report to Congress that all agencies are required to submit must include the administrative cost to implement FOIA.

The FOI Office will generate a bill for the requester but we also need your help to capture the actual administrative cost to process a FOIA request. Therefore, this worksheet is to be completed for all FOIA requests by all personnel involved in answering a FOIA request. Please complete the following information and return it to the FOIA Office along with a copy of the response letter. If you have any questions, please contact Leticia Lane at 214-665-7202 or lane.leticia@epa.gov.

1. REQUESTER NUMBER - e.g., 06-FOIA-0342-03.

2. TYPE OF REQUESTER

#1 Commercial Use Request: requester charged for search, review & duplication costs.

#2 Educational & Non-Commercial Scientific Institutions: requester charged for duplication costs excluding the first 100 pages.

#3 Representative of the news media: requester charged for duplication costs excluding the first 100 pages.

#4 All Other Requests: requester charged for search & duplication time excluding the first two hours of search time & the first 100 pages of duplication.

3. DATE COMPLETED - Enter month, day and year.

4. ACTION OFFICE - Mail code of responder.

5. FEE COMMITMENT AMT - fee commitment amount received from requester for the processing of FOIA request.

No Fee Charged for $\leq \$14.00$

Bills sent between \$14.01 - \$25.00, no payment assurance required

Written Assurance of payment from requester for amounts $> \$25.00$

6. DATE OF VERBAL / WRITTEN COMMITMENT - date when verbal or written fee commitment was given.

7. FEE COMMITMENT RECEIVED FROM - name of person from which you received verbal or written fee commitment.

8. CLERICAL PERSONNEL - enter total hours x hourly rate = cost.

a. Search - Time spent in locating the requested information.

b. Review - Time spent in reviewing the document content for releasable documents.

9. PROFESSIONAL PERSONNEL - enter total hours x hourly rate = cost.

Search/Review - see explanation above.

10. MANAGERIAL PERSONNEL - enter total hours x hourly rate = cost.

Search/Review - see explanation above

11. DUPLICATION / REPRODUCTION - Enter Total x Rate or Actual = Cost.

12. OTHER COSTS - Enter Total x Rate or Actual = cost.

13. ACTUAL ADMIN. COST FOR NON-BILLABLE STAFF TIME -
enter total x hour rate = cost

Time spent in activity other than above, such as hand carrying documents to other locations, restoring files, preparing ltr, telephone calls etc.

a. Preparer's Name is the person who prepares ltrs/telephone calls etc. Grade/Step is grade & step of preparer.

14. FOR FOIA OFFICE USE ONLY

a. Total Administrative / Processing Fees - add the actual administrative cost block in the cost column.

b. Total Collectable Fees - add the review / search blocks in the cost column.

c. Total Charged - enter the amount that the requester was charged.

d. Fees Waived / Reduced - indicate if the cost of processing the request was waived or reduced by circling yes or no.